

**DRAFT**

**TOWN BOARD MEETING**

**APRIL 06, 2005**

Supervisor Pagones opened the Regular Town Board meeting at 7:30 pm, Town Hall, 807 Route 52, Fishkill, New York and led the audience with the "Pledge of Allegiance".

Present: Supervisor Joan A. Pagones; Town Board members, Steve Ferguson, Ronald Leenig, Dennis Zack; Town Attorney, Ronald Blass; Town Engineer, John Andrews; Paul Gromkowski, Housing Director; Steve Weinstein, PE; Kenneth Stenger, Esq.; David Ebberly; Azem Albra; Daniel Oberhauser; Becki Tompkins, Deputy Tow Clerk; and Town Clerk, Darlene Bellis

Absent: Town Board member Heather Malvarosa

**PUBLIC HEARING(s)**

**Local Law repealing Local Law # 12**

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing introducing a local law repealing Local Law #12 of 2004 which created Section 143-14A to provide for local surcharges on Town Justice Court convictions.

Public hearing opened at 7:31 pm

Supervisor Pagones asked the audience if anyone had comments.

Hearing none she stated she would keep open the public hearing for a few more minutes.

**Motion** made by Councilman Ferguson **to close the public hearing.**

**Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)

Motion Carried

Public hearing closed at 7:35 pm

**ANNOUNCEMENTS**

**Recognize Building Inspector George McGann**

Supervisor Pagones read (**copy attached to original minutes**) a letter from Anthony J. Pulliam thanking George McGann for his professionalism, knowledge and understanding of the building industry as well as the Town's goals.

**Recognize Jason Maietta and Winter Basketball Program**

Supervisor Pagones read (**copy attached to original minutes**) a letter from Michelle Capriglione thanking Jay Maietta and all the Basketball coaches for making the program a wonderful time for her son.

**APPROVAL OF MINUTES**

Supervisor Pagones stated that the minutes for March 16, 2005 and March 23, 2005 Special Town Board meeting were distributed for the Board's review and would entertain a motion to approve said minutes.

**Motion** made by Councilman Ferguson **to approve the March 16, 2005 and March 23, 2005 minutes as submitted.** **Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)

Motion Carried

**MOTION(s) TO APPROVE/ADOPT**

**Route 9D Mobile Home Park**

**Motion** made by Councilman Zack **to approve the mobile home park permit application from Route 9D Mobile Home Park.** **Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)

Motion Carried

**Mid-Hudson Park Mgmt. Corp. (BGB Mobile Home Park)**

**Motion** made by Councilman Zack **to approve the mobile home park permit application from BGB Mobile Home Park.** **Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)

Motion carried

**Oak Meadows Community Mobile Home Park**

**Motion** made by Councilman Zack **to approve the mobile home park permit application from Oak Meadows Community Mobile Home Park.** **Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)

Motion carried

**Liquor License Renewal - Pizza Hut**

**Liquor License Application - Cubi Restaurant**

Supervisor Pagones read (**copy attached to original minutes**) the OK from Police Chief, Donald Williams, dated 03-23-2005 (Pizza Hut) and 03-31-2005 (Cubi Restaurant).

**Motion** made by Councilman Ferguson **to approve the liquor license renewal and application as submitted.** **Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)

Motion Carried

**MOTION(s) TO ACCEPT RESIGNATION**

**In-School Recreation Personnel**

Councilman Zack read (**copy attached to original minutes**) a memo from Cindy Starke requesting the termination of the In-School Recreation Personnel for the third session effective 03-24-2005 and made a **Motion to terminate said personnel. Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)  
Motion Carried

**MOTION(s) TO APPOINT**

**In-School Recreation Personnel**

Councilman Zack read (**copy attached to original minutes**) a memo from Cindy Starke requesting the appointment of the In-School Recreation Personnel for the fourth session effective 04-04-2005 and made a **Motion to appoint said personnel. Seconded** by Councilman Ferguson Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)  
Motion Carried

**NEW and OLD BUSINESS**

**Councilwoman Malvarosa**  
Absent

**Councilman Zack**

Comprehensive plan is wrapping up in a couple of weeks and will be revising the sign codes to bring them into the 21<sup>st</sup> century so there will be a one stop shopping which takes into consideration the recommendations of the Greenway.

**Councilman Ferguson**

**Motion** made by Councilman Ferguson **to appoint Syndi Scott as a Police Officer. Seconded** by Councilman Zack  
Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)  
Motion Carried

He stated they have completed the contract for parking ticket collections and is up to speed.

**Councilman Leenig**

Court system's server is out dated and used up, they have software which is up-to-date, and they need a new server and hopefully it will be complete by the next meeting.

Supervisor Pagones

Supervisor Pagones read (**copy attached to original minutes**) a resolution adopting the local law repealing local law #12 of 2004 which provides for local surcharges on Town Justice Court convictions and made a **Motion to adopt said local law.** **Seconded** by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	absent
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution authorizing the payments as full settlement of any and all claims against the Town for alleged water damage to real and personal property and made a **Motion to authorize said payments in the amounts of \$17,000 to Toni Ann and Steven Griffen; \$14,000 to Patricia Lewis.** **Seconded** by Councilman Zack

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	absent
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Supervisor Pagones stated she ordered the publication of Upstate House in which the Town of Fishkill is highlighted in an article.

**PRIVILEGE OF THE FLOOR FOR PUBLIC COMMENTS**

**Motion** made by Councilman Zack **to go into the privilege of the floor for public comments.** **Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)  
Motion Carried

Dominic Cordisco, Esq. stated he understood that the their submission did not get sent out till late last night and totally understood why the Board could not act on it tonight. Mr. Cordisco informed the Board that there will be a public hearing before the planning board at the next mtg. on the 14<sup>th</sup> of April and requested a special meeting of the Town Board before that date.

Supervisor Pagones stated the documents are extensive and the consultants did not have an opportunity to review the documents and did not know if having a special meeting before April 14<sup>th</sup> would be feasible.

Town Engineer, John Andrews, stated he will contact Mr. Fink in regards to reviewing the Crest at Fishkill and if the board deems it appropriate to have a special Town Board meeting, they will do what they can to have their review completed.

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Azem Albra paid compliments to the Highway Superintendent in that Mr. Albra approached Mr. Scofield about a pot hole in his neighborhood and Mr. Scofield, Highway Superintendent, took care of it the next day. Mr. Albra stated he wanted to recognize Mr. Wick, Chairman of the Planning Board in the way he handled himself in a professional manner and what impressed Mr. Albra most was that not at any time did he get hostile with any member of the public. Mr. Albra stated that published in the Southern Dutchess News was an article about a letter from DEC a few years ago to the Fishkill Assessor's office about tainted soil was the extent of a Town's knowledge of a site conditions. He asked what the date of that letter was.

Town Engineer, John Andrews, replied that based on the information that he was able to get from the Assessor's office, it looks like 1997/1998. He stated that if he has the letter with him this evening he can give the dates. A letter was dated 05-07-1998 where John Morabito had previously requested information and the information in the clerk's office/assessor's office was dated 08-06-1997, there is not date received in there but it consists of a deed and the other information they typically get from the office of the County Clerk which certain deeds restricting property have been filed, that was the first notice that we could find in there and that is what triggered it. It was filed in August of 1997.

Azem Albra commented that on March 23, 2005 he went to the Town Clerk's office to file a FOIL request in regards to an arrest, when he put his paper down on the desk, a woman left the office and told me she could not help me with that but she could only arrest me. Then she walked into the Court Clerk's office. Town Clerk Bellis was there and a young man was there. He requested the name of the lady.

Town Clerk, Darlene Bellis, stated she did not know who he was talking about.

Azem Albra went on asking the Town Clerk Bellis that she wasn't there when it happened.

Town Clerk, Darlene Bellis, replied that she did not recall that incident. Azem Albra commented that that was fine.

A Fishkill resident of Siscar development asked if anyone on the Board would like to speak on catch basins, he heard that the Town was going to be doing work in that area.

Councilman Zack stated that the Town has been trying to do work in that area for two-three years. Unfortunately, the Town cannot get easements from two property owners. There is a problem in the Siscar area but there are two residents that will not give an easement to the Town to solve the drainage problem. The Town is in the process of trying to obtain easements.

Supervisor Pagones stated that the Town is also looking into eminent domain proceedings should we not be able to get the easements. She stated that it may be a neighbor to neighbor situation, just knocking on the door of the individuals.

Town Engineer, John Andrews, stated that the Town had to modify the easements a couple of times, it has been an ongoing situation, it all hinges on the proper starting location, one individual is at one end and the other individual is at the other end, it does the Town no good to do the middle unless the two ends could be finished, one individual is Mrs. Leonardo and the other individual is Mr. Dika, having sewer put in has been asked on a couple of different occasions but there are no sewers there, that section of Town is unfortunately not sewerred, it is a very difficult question on how to take it and how to get it there, it would be a collection problem, there is no good way.

David Ebberly asked if the run-off is a problem because of the development or was it not anticipated and if so why wasn't it handled at the time of the development. He stated that they see a lot more flooding, part of it is because of development, when you cut down trees and replace it with grass, trees absorb forty times amount of water than grass, and so you end up with more run off.

Supervisor Pagones stated she believed that Siscar has always been a wet area.

Town Engineer, John Andrews, replied that Siscar development is a very old development, the original developer did things his own way, the run off there was handled through an old culvert that runs down behind some of the houses, the culvert was never shown on any of the maps, found out about it by default, there is no Town easement to go in there and maintain the culvert, Siscar is an area that has been plagued with water issues from the very beginning, over time the swamp behind it has decayed, things have changed, it is part of an overall drainage system that runs down back behind Siscar, crosses Red Schoolhouse Road, runs down through the old Foothills Motors, then runs across by the Old Oak Nursery under the DOT system, ultimately at the railroad, there are a couple different pitch points that have been corrected over time, the big pitch point that mostly affects Siscar is the undersized under drain that passes through the back yards that need to be replaced. The Town designed a fix where there were public meetings, the Town needed commitments from three people, and the two ends need to agree. It has gotten worse over a period of time.

Daniel Oberhauser stated that last Thursday he met with John Andrews, Town Engineer, and Dennis Zack up in John's office. It was a very informal meeting and he really appreciated the effort and time they made to meet with him and Mr. Ebberly.

Mr. Ebberly asked if the developer for Polo Fields will be preserving the creek that runs through that property.

Town Engineer, John Andrews, answered that one of the long delays of getting that project approved was in fact Army Corp of Engineers requirements to preserve and protect the stream buffer zone, there are number of requirements that need to be followed for the stream buffer zones. Those requirements are shown on the subdivision plat and site plans.

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Another resident from Siscar development, who just arrived at the meeting, asked what was happening with the road.

Supervisor Pagones informed her that the Board just went over all that information, and reiterated the previous conversation. After further discussion regarding the taking over the easements, eminent domain, having sewers installed and the cost of such, the Board informed her and the audience they are doing what they can to obtain the easements to help the residents of Siscar development.

Azem Albra asked if there was anything that could be done with the sidewalk that is in disrepair. He explained that it is only on one side of the road and is where the mailman drives on it and ruins it and asked if they could get rid of the sidewalk.

Councilman Zack replied that Glenn Scofield would be the one to address that.

John Andrews answered that if there is a sidewalk in disrepair and Glenn could do away with the sidewalk, he will. He stated he and Glenn would be in the area on Friday and they will take a look at that.

Maureen Cotter asked if the Town was going to have the meetings video taped. Answer was no. Ms. Cotter then asked why, she understands that the surrounding towns are doing this now for people who cannot get to the meetings, she finds it difficult to get here by 7:30 pm, and these are vital questions coming up with all the planning and development that is going on in our town and surrounding towns.

Supervisor Pagones replied that the Town has a website that they can access with minutes on the website. As of right now, the Town is not talking about video taping the meetings.

Ms. Cotter stated she tried to get the minutes of your last meeting and they were not ready as of two days ago. She then commented that the Board says there is no possibility, not being considered, and cannot be done to have video taping of the meetings.

Councilman Zack stated that that is not what this Board is saying. We are saying that this Board is not looking into that possibility now.

Ms. Cotter asked what it would take to have that possibility to come up and what would prompt the Board to do that.

Supervisor Pagones answered that the Board would have to consider it and then discuss it, there is an expense to video taping. We have heard both sides of other towns and once they start video taping they have to hire crews, and there has to be a budget. We offer our meetings in the day time and in the evening to try to get people out either/or, we are only required as towns to meet once a month, this board meets twice a month and sometimes three times a month. This Board feels that they are trying to access as much of the public as we can.

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**ADJOURNMENT**

**Motion** made by Councilman Zack **to adjourn the meeting.** **Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Zack (aye)

Motion Carried

Meeting adjourned at 8:16 pm

Respectfully submitted,

Darlene Bellis

Town Clerk